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April 30, 2012

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Mayor Michael B. Hancock
City of Denver
1437 N. Bannock St., Room 350
Denver, CO 80202-5337

Dear Mayor Hancock and Members of the City Council:

I write on behalf of the Mexican American Legal Defense and Educational Fund (MALDEF) to express our concern regarding a proposed City Council redistricting plan that is currently pending before the Council.

MALDEF is the nation's leading Latino civil rights legal advocate. Since our founding in 1968, MALDEF has played a leading role in local and statewide redistricting throughout the southwestern United States and California and has advocated on behalf of the Latino community through map-drawing, community education, and litigation. Our efforts have been bracketed by MALDEF's litigation successes challenging unfair redistricting plans in the federal courts, including *White v. Regester* 412 U.S. 755 (1973) and *LULAC v. Perry* 548 U. S. 399 (2006).

MALDEF's review of Map 'F' Amended reveals that despite the substantial growth of Denver's Latino community from 2000 to 2010, and the fact that Latinos comprised 34% all growth in Denver during the same period, the plan offers less opportunity for Latino voters to elect their preferred candidates in City Council elections when compared to the current plan.

Specifically, Map 'F' Amended removes Latino population from District 9 which has historically elected Latino-preferred candidates to the City Council. The result of this change is a significant decrease in the Latino citizen voting age population of District 9 -- from 38% to 24%. Map 'F' Amended also decreases the Latino citizen voting age population of Districts 3 and 8. Although Map 'F' Amended increases the Latino citizen voting age population from 20% to 30% in District 7, and from 22% to 26% District 11, we conclude that these increases will not offset the loss of Latino electoral opportunity in District 9.

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Furthermore, the ideal population of a city council district, according to the 2010 Census, is 54,560. In the benchmark plan, District 9 contains 51,288 persons and is only 5.9% underpopulated. Instead of maintaining the benchmark boundaries of District 9, or increasing the population by the minimally necessary number of people, Map 'F' Amended unnecessarily overpopulates District 9 by more than 1,600 people while at the same time dramatically reducing its Latino population.

The Voting Rights Act was enacted by Congress in 1965 to protect racial and ethnic minorities from discrimination in voting and is widely considered one of the most effective civil rights laws in American history. Section 2 of the Act, with which the City of Denver is required to comply, proscribes discrimination against racial minorities, including Latinos. Prohibited discrimination includes vote dilution that is intentional as well as dilution "in effect."

In light of the significant growth in the Latino community since 2000, the lack of a substantial reason to reduce the Latino electorate in District 9, and the availability of redistricting plans that offer more equitable electoral opportunities for Denver Latinos, we believe that Map 'F' Amended raises serious concerns of discrimination against Latino voters. Please feel free to contact me with any questions regarding this letter.

Sincerely,



Nina Perales
Vice President of Litigation

cc: Council President Chris Nevitt
Councilmember Susan Sheperd
Councilmember Jeanne Faatz
Councilmember Paul Lopez
Councilmember Peggy Lehmann
Councilmember Mary Beth Susman
Councilmember Charlie Brown
Councilmember Albus Brooks
Councilmember Judy Montero
Councilmember Jeanne Robb
Councilmember Christopher Herndon
Councilmember Robin Kneich
Councilmember Deborah Ortega